

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CLAUDE LOWERY #100184,

Petitioner,

ORDER

v.
THOMAS RUBENZER,

08-cv-479-slc

Respondent.

In response to the order entered in this case on October 3, 2008, petitioner has submitted a copy of his resident account statement. From the statement, I conclude that petitioner has the means to prepay a portion of the \$350 filing fee in the amount of \$16.40.

Petitioner is reminded that once he pays the amount I have determined he is able to prepay, that is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives petitioner's \$16.40 payment, I will take his complaint under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because petitioner seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that petitioner qualifies financially for pauper status on the condition

that he prepay \$16.40 of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in that amount on or before November 10, 2008. If, by November 10, 2008, petitioner fails to prepay the amount he has been ordered to pay, I will dismiss this case for his failure to prosecute.

Entered this 24th day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge